

Permitted and Conditional Uses by District

14.01 GENERAL

The following table lists most common land uses which might be found or established in Forest County, and shows whether such uses are permitted or conditionally permitted use within the nine zoning districts described in Section 5 through 13.

Uses listed as permitted in a given district are allowed after application and determination by the zoning administrator that the proposed use will conform to all applicable sections of this ordinance.

Uses listed as conditional are allowed only after a public hearing, and determination by the zoning committee that the proposed use will conform to all applicable sections of this ordinance, with special consideration given to the procedures and general criteria for conditional uses (Sections 16.01 through 16.07) and also to specific sections of Section 16 which pertain to individual uses (Section 16.08 through 16.53). In the following table, the farthest right-hand column on each page gives the section reference by land-use category.

14.02 TREATMENT OF ACCESSORY USES

Provisions in the following table shall be interpreted to apply in a like manner to uses that are accessory to permitted or conditional uses listed.

14.03 USES SIMILAR TO LISTED LAND USES

Uses similar to uses listed in the following table shall be interpreted to follow the same provisions as those applying to the most similar listed use.

SECTION 14.04 – TABLE 1 (see page 54)

RESIDENTIAL, CONDOMINIUM, COMMERCIAL

SECTION 14.04 – TABLE 2 (see page 55)

INDUSTRIAL AND WHOLESALING, FORESTRY AND FARMING

SECTION 14.04 – TABLE 3 (see page 56)

FACILITIES

SECTION 14.04 – TABLE 4 (see page 57)

RECREATION

See Part Six For Conditional Use Tables

Section 15: Planned Unit Development and/or Cluster Development overlay District

15.01 INTENT AND PURPOSE

Intent

It is the intent of the Planned Unit Development And/Or Cluster Development Provision as authorized for village-power towns in *Wis. Stats.* Section 60.62, and for counties in Section 59.69(3).(d.), to allow flexibility in dealing with

large-scale residential, commercial, industrial, and mineral developments while insuring such development conforms with the intent of the county's development plan.

Purpose

In instances where larger areas are involved, the appropriate method for seeking a relaxation of minimum standards is by rezoning to establish a Planned Unit Development And/Or Cluster Development. The Planned Unit Development And/Or Cluster Development is intended to permit some smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes, setbacks with special conditions placed upon the Planned Unit Development And/Or Cluster Development at the time of its approval. A condition of all Planned Unit Development And/Or Cluster Development is the preservation of certain compensating open space on the shore land or any district, in perpetuity, in exchange for smaller lots.

15.01.2 Requirements For Planned Unit Development And/Or Cluster Development

The county board may, at its discretion, upon its own motion or petition, approve a Planned Unit or Cluster Development either by approving first an overlay district with concept plan and then a plat, or by approving only a plat for an approved concept-planned project upon finding, after a public hearing, that all of the following facts exists for the land including shore land concerns of Section 5.0.

(1.) Area

The area proposed for the Planned Unit Development And/Or Cluster Development is a minimum of ten (10) acres in size.

(2.) Pollution Control

The location and nature of the septic systems which will serve the home sites individually, or collectively, will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility, or impair the aesthetic character of navigable waters.

(3.) Preservation Of Ground Cover

The location of home sites, and the dedication of part of the land for use by the public or residents of the Planned Unit Development And/Or Cluster Development will reserve the ground cover of the shore land and scenic beauty of the navigable water, prevent erosion, and other pertinent factors. The Shore Land Buffer Area (first thirty-five (35) feet landward) will be a no mow area, left natural except for view corridors. All structure development on shore land will be one hundred fifty (150) feet from the OHWM. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of the lots in the development, or to a corporation formed by them, or by dedication to the county, town, or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created, to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement, or any other manner which was required by a public body or which names a public body as grantee, recipient, or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has, or acquires, an interest in the land subject to the restriction.

(4.) Density

The number of platted home sites shall not exceed those that would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by this ordinance.

(5.) Lot Sizes, Widths, Setbacks, and Tree Cutting

The lot sizes, widths, and setbacks shall not be less than those provided for in current statutes or chapter COMM. 85, *Wis. Adm. Code*, and shall not be so small as to cause pollution or erosion along streets or other public ways and waterways, or so small as to substantially depreciate the property values in the immediate neighborhood. Shore cover provisions in Section 15.01.2(3.) shall apply except that maximum width of a lake frontage opening shall be one hundred (100) feet in five hundred (500) feet of frontage.

15.01.3 Procedure For Establishing A Planned Residential Unit And/Or Cluster Development

(1.) Planning Studies

A landowner or petitioner, at their expense, develops facts required to establish compliance with the provisions of appropriate section of this ordinance or may be required to contribute funds to the county to defray all, or part, of the cost of such studies being undertaken by the county or any agency or persons with whom the county contracts for such work.

15.02 TYPES AND LOCATION OF PLANNED UNIT DEVELOPMENT AND/OR CLUSTER DEVELOPMENTS

Each Planned Unit Development (PUD and/or CD) and Cluster Development shall be one of the following types.

PERMITTED IN THESE TYPE OF: PUD and/or CD

<u>Development</u>	<u>Abbreviations</u>	<u>General Districts</u>
Residential Planned	R-PUD and/or CD	GR, VR, VC, SL, CM, R1, R2
Commercial Planned	C-PUD and/or CD	GR, VR, VC, R2, CM
Industrial Planned	I-PUD and/or CD	GR, IN
Metallic Mineral Mining and Prospecting Planned Development	M-PUD and/or CD	GR, IN

15.02.1 Ownership

Any application for approval of any PUD and/or CD may be filed by a person having an interest in the property to be included in the planned unit development. Prior to final approval, the entire tract shall be either under single ownership, evidenced by legal title or binding sales contract, or under lease or such other legal control over the land and proposed use this is sufficient to insure that the applicant will be able to carry out the proposed project and assume all liability for the project which would normally be assumed under full land ownership.

15.03 FILING

(1.) An application fee as described in Section 20.04.

(2.) A signed and notarized statement from the applicant stating:

(A.) The name and address of the applicant.

(B.) A summary in less than five hundred (500) words which describes the nature and scope of the project.

(C.) A legal description of all land proposed to be included in the district.

(D.) A description of the applicant's ownership interests in the property with respect to 15.02.

(E.) Dates construction will begin and be completed.

(F.) The applicant's best estimate and explanation of the life expectancy of the project.

(G.) Evidence of the applicant's ability to carry out the project. This may include an explanation of the method of financing a financial statement of the applicant, a list of experience of the applicant in similar projects, letters of reference, or other material.

(H.) A statement that all information is accurate and complete to the best of the applicant's knowledge.

(3.) A map prepared by a registered surveyor in the State of Wisconsin showing the proposed district as it currently exists. The map shall show the following at an appropriate scale:

(A.) Boundaries of the property and location of monuments.

(B.) Contour lines at five (5) foot intervals.

(C.) All major drainage.

(D.) Size of the property.

(E.) High-water mark of watercourses or water bodies, if any.

(F.) Adjacent roadways and distances to public road to which access is proposed.

(G.) Existing structure or other manmade features.

(H.) Scale and north arrow.

(I.) Any other feature of major importance or other information necessary to accurately represent the area.

(4.) A description of the proposed project in sufficient detail to allow the Zoning Committee to assess probable physical, environmental, and developmental impacts of the proposal. The description shall include at a minimum, the following:

(A.) A description of the timing and phasing of the project including maps of all major phases.

(B.) A map of the completed development.

(C.) A description of any related development taking place in the county, or planned to take place.

(D.) A statement of known physical, environmental, or any developmental impacts on other property in Forest County.

(E.) A description of any homeowners or other associations that will be responsible for maintenance of open space or shared facilities and implementation plan.

(F.) Any other information necessary for the Zoning Committee to assess probably physical, developmental, or environmental impacts of the project.

(G.) Sewer and water lines, streets, septic system, utilities, and lighting.

(H.) Any other documents required below under regulations for the specific type of planned development (see also Mining Operations Permits Section 20.03.4).

15.03.2 Procedure For Establishing A Planned Unit Development And/Or Cluster Development District

The procedure for establishing limited rezoning in the form of a Planned Unit Development And/Or Cluster Development district shall be as follows:

(1.) Petition.

A petition setting forth all of the facts required in Section 15.03.1.

15.03.3

An application may be filed with the zoning administrator. The applicant shall present ten (10) copies of all material listed in 15.03.1, plus the filing fee listed in 20.04. The zoning administrator shall immediately initial and date one copy of each of the materials listed in 15.03, and issue a receipt to the applicant for all materials delivered. The copy of materials initialed by the zoning administrator shall be delivered to the County Clerk to be preserved with county records. One copy may be retained by the zoning administrator for office use. The remaining copies shall be publicly available in the following locations:

(1.) Town halls of towns in which the planned development is proposed.

(2.) The office of the North Central Wisconsin Regional Planning Commission.

(3.) One copy to be available to members of the Zoning Committee. Any remaining copies may be circulated or distributed at the discretion of the chairman of the Zoning Committee.

15.04 ZONING COMMITTEE ACTIONS AND PUBLIC HEARINGS

15.04.1 The zoning administrator shall place notice of the application on the next meeting agenda of the Zoning Committee. The zoning administrator shall give notification of the Zoning Committee meeting by registered letter to the Town Chairmen of the Towns in which the PUD and/or CD would be located.

15.04.2 At the meeting referred to in 15.04.1, the Zoning Committee shall set a date for an informational public hearing on the application. The public hearing shall be scheduled no sooner than fifteen (15) days after the meeting and no later than forty-five (45) days, except that with respect to an M-PUD and/or CD, the Zoning Committee may decide that the hearing held pursuant to Section 144.836, *Wis. Stats.*, shall constitute the informational public hearing. The hearing shall be located in the town where the development is proposed, or if more than one town is involved in the PUD and/or CD, the meeting shall be held in the town with the largest land area to be included in the district, or at the county seat.

15.04.3 No later than thirty (30) days after the informational public hearing, the Zoning Committee shall hold a meeting and adopt recommendations on the application, except that when the informational hearing is held on a M-PUD and/or CD, according to Section 144.836, *Wis. Stats.*, the Zoning Committee shall meet and adopt recommendations no later than thirty (30) days after the close of the record of the hearing. The zoning administrator shall give notification of the Zoning Committee meeting by registered letter to the Town Chairmen of towns in which the PUD and/or CD would be located.

15.04.4 A public hearing shall be held on the recommendations no later than sixty (60) days after an informational hearing or, with respect to a M-PUD and/or CD, after close of the record of hearing held pursuant to Section 144.836, *Wis. Stats.* The hearing may be held in any town impacted by the development, at the county seat, or other facility designated by the county zoning administrator. With respect to an M-PUD and/or CD, the Zoning Committee may, if directed by the County Board, schedule the hearing to coincide with a County Board meeting.

15.04.5 Following the second public hearing, the zoning administrator shall within fifteen (15) days deliver to the County Clerk the committee recommendation and a summary of the comments at the second public hearing. The County Clerk shall place the recommendation on the next County Board agenda.

15.04.6 No more than seventy-five (75) days after the County Clerk receives the committee recommendations, and summary of contents of the public hearing described in Section 15.04.4, the County Board shall either disapprove or approve the recommendation of the Zoning Committee.

15.04.7 If the County Board approves the application, and the applicant's ownership is established in accordance with Section 15.02.1, the zoning administrator shall issue the permit as described in Section 15.05.

15.04.8 If the application is rejected by the County Board, the applicant may reapply at any time. If this second application is substantially the same as the original application except for changes recommended by the Zoning Committee or County Board, the Zoning Committee may eliminate the informational public hearing described in Section 15.04.2.

15.04.9 Simultaneous application for planned unit developments, conditional-use permits and land-use permits.

(1.) Applications for more than one Planned Unit Development may be submitted simultaneously, provided all districts are related and relationships of the planned unit developments are clearly explained in project description in Section 15.03.1(4.). All applications filed simultaneously may be

combined for public hearing purposes, but the Zoning Committee shall make separate recommendations on each application, the County Board of Supervisors shall take separate action on each application, and a separate permit shall be issued for each application.

(2.) Applications for conditional-use permits or land-use permits may be filed simultaneously with application for designation of a Planned Unit Development provided all the proposed conditional uses are within the proposed planned development. In the case a simultaneous submission of conditional use and Planned Unit Development applications, the deadlines described in Section 16.03, and Section 16.04 for conditional uses shall not apply; and instead, the deadlines and procedures established in this section for Planned Unit Developments shall apply. The Zoning Committee shall make recommendations to the County Board on each conditional-use permit and the County Board shall act on these recommendations as part of the planned development application. Material required under Section 16.02 for conditional uses shall be incorporated into the Planned Unit Development application whenever possible.

15.04.10 The applicant may request cancellation of all further consideration of the application at any time by notifying the zoning administrator in writing.

15.05 PUD AND/OR CD PERMIT

15.05.1 A separate PUD and/or CD permit shall be issued for each planned development. A single PUD and/or CD permit shall include any conditional-use permits which were identified as needed in the application. Individual land-use permits shall also be included as a portion of the planned unit development permit. Any land use or conditional-use permit within the planned Unit Development District which is obtained after the Planned Unit Development permit is applied for shall be considered a part of the Planned Unit Development permit.

15.05.2 The PUD and/or CD permit shall become effective at the later of the following dates:

(1.) Ten (10) calendar days after the permit is issued by the zoning administrator.

(2.) The starting date identified by the applicant in Section 15.03.1(2.).

15.05.3 The permit shall be terminated or suspended by the County Board under any of the following conditions:

(1.) Construction is not carried on diligently to completion following as closely as possible the description of timing and phasing of the project submitted in the application unless caused by reasons beyond the control of the applicant.

(2.) Actual project development is significantly different from stated in the original application.

(3.) Actual project development violates the description provided in the application or any recommendations adopted by the County Board.

(4.) The occurrence or imminent danger of a major adverse or catastrophic environmental or economic impact not accurately described in the application material submitted under 15.03.

15.06 GENERAL REQUIREMENTS

A planned unit development shall be composed of a single contiguous area enclosed by a single continuous boundary line. The area for inclusion shall be reasonable compact and not rely on narrow land bridges or necks of lands to join otherwise non-contiguous areas. The Planned Unit Development shall not enclose or substantially surround any land that is not included in the Planned Unit Development. Exceptions to these requirements may be permitted in order to accommodate essential pipelines, utilities, or other facilities. The land included in a Planned Unit Development may not be included in any other planned unit development.

15.06.1 The applicant shall demonstrate that the PUD and/or CD will not result in a net substantial adverse economic impact in any town in which the PUD and/or CD will be located including the ability of each town, and the school districts, and sanitary districts with which it is associated, to provide necessary governmental facilities and services taking into account all financial resources projected to be reasonably available for providing the facilities and services.

15.06.2 The appropriate district regulations or other portions of this zoning ordinance shall apply within planned unit developments unless specifically exempted or altered under the provisions of this section. Shore Land regulations in Section 5 shall apply within all areas defined in Section 5.01.2 regardless of any provisions of this section.

15.06.3 Nothing in this ordinance shall be construed to mean that the County Board of Supervisors is required to approve any application for a planned development any such approval of any application for a planned unit development must be supported by substantial credible evidence.

15.07 TRAFFIC

Unless specifically provided for, Section 18 shall be applied to the planned unit development as a whole and to its constituent parts whenever practical. The design of the planned unit development shall provide for safe and efficient internal traffic flow on public roads and not create unnecessary safety or congestion problems outside the PUD.

15.07.1 Any significant deviation from the original designs submitted in the application described in Section 15.03.1 must be approved by the County Board of Supervisors.

15.08 RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD AND/OR CD) PERMITTED USES

Any use permitted or conditionally permitted in the multi-family (R2) District, plus neighborhood commercial uses and recreation, accessory uses to the permitted uses.

15.09 RESIDENTIAL DENSITY AND REQUIRED YARDS (R-PUD AND/OR CD)

15.09.1 Residential Density

If recommended by the County Zoning Committee, a maximum increase in residential density of not to exceed twenty-five (25%) percent over that allowed in the underlying zoning basic district where the R-PUD and/or CD is located is allowed. If the R-PUD and/or CD is in more than one (1) district, the residential density shall be based on the proportion of the R-PUD and/or CD in each general district.

15.09.2 Setbacks

Setbacks from public roads shall be in accordance with Section 4.01. Other yard requirements may be reduced or eliminated if justified by reasons of project design.

15.09.3 Perimeter Buffer

Except for access points, a permanent open space at least twenty-five (25) feet wide shall be provided along the property line and it shall be landscaped or screened with no structure permitted. The buffer area shall not be included in calculating open space under Section 15.14.1.

15.10SIZE R-PUD AND/OR CD

A R-PUD and/or CD shall contain a minimum of ten (10) dwelling units.

15.10.1 Open Space

Common open space shall comprise at least ten (10%) percent of the gross area of the planned unit development to be used as recreational park or environmental amenity for collective enjoyment by occupants of the development or the general public. Open space shall not include streets, parking areas, buffer strips, driveways, and utility easement. The following open space requirements shall be met:

(1.) Open space shall be effectively separated from automobile traffic and parking.

(2.) Streams, bodies of water, wetlands, drainage easements, slopes in excess of fifteen (15%) percent, and flood plain may be included as usable open space if those areas contribute to the quality, livability, and amenity of the planned development, provided that no more than forty (40%) percent of common open space contains such land.

(3.) Recreation facilities, structures, and their accessory uses located in common recreation areas shall be considered open space, as long as total impervious surfaces are no more than ten (10%) percent of total open space.

15.11SPECIAL R-PUD AND/OR CD PROVISIONS

Evidence of the following shall be included in the applicant's description of the project as provided for by Section 15.03.1.

15.11.1 Care and Maintenance Of Common Property

Approval of planned developments are subject to the submission of legal instruments setting forth a plan or manner of permanent care and maintenance of community facilities. No such instrument shall be acceptable until approved by the county.

15.11.2 Homeowners Or Merchants Association

If any common open space or facilities are deeded to a Homeowners or Merchants Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to, the following:

(1.) The association must be set up before homes are sold or rented.

(2.) Membership must be mandatory for each home buyer and any successive buyer.

(3.) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other common facilities.

(4.) Association members must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.

(5.) The association must be able to adjust the assessment to meet changed needs.

15.12COMMERCIAL PLANNED UNIT DEVELOPMENT

(C-PUD AND/OR CD): PERMITTED USES

Any permitted use allowed in the Commercial district shall be permitted in a C-PUD and/or CD. Any conditional use in the Commercial District (CM) shall be a conditional use in the C-PUD and/or CD.

15.13SIZE C-PUD AND/OR CD

No C-PUD shall be smaller than three (3) acres. At least one and one-half (1½) acres of a C-PUD shall be buildable commercial land excluding public right-of-ways, water bodies, wetlands, steep slopes, or other impediment to development.

15.14PERIMETER AND SCREENING C-PUD AND/OR CD

Except for access points, a permanent open space forty (40) feet wide shall be maintained around the perimeter of the C-PUD and/or CD. No structure may be permitted in this open space, and the area shall not be counted as buildable area under Section 15.17. Vegetative or other screening must be provided adjacent to residential or recreational uses.

15.15 VACANT STRUCTURE SITES OR EMPTY STRUCTURES C-PUD AND/OR CD

The C-PUD and/or CD application material may indicate one (1) or more vacant structure sites. The unused sites shall be identified in the application and as much information as possible given about how these sites will be served by utilities, parking, and other services. Structures not specifically identified in the C-PUD and/or CD application may be built provided that the description of the project included in the application, or restriction recommended by the Zoning Committee and the County Board are not violated. Structures for uses listed as permitted in the Commercial District (CM) in Section 14 may be constructed after acquiring a structure permit as described in Section 20.4. Uses listed as conditional uses in a Commercial District (CM) in Section 14 may be constructed after acquiring a conditional use permit as described in Section 20.4.

15.16 SITE DESIGN REQUIREMENT C-PUD AND/OR CD

As a part of this application specified in Section 15.03, the following shall be included:

- (1.) Layout and services provided of all structure sites.
- (2.) Businesses to occupy sites, if known.
- (3.) Any site or structure which will not immediately be used.

15.17 TRAFFIC AND PARKING C-PUD AND/OR CD

Traffic and parking shall be given special consideration both within the C-PUD and/or CD and off the premises. Except as specifically provided otherwise, Section 18 shall apply.

15.17.1 Pedestrian Traffic

The layout of C-PUD and/or CD shall encourage walking rather than driving between commercial establishments in the C-PUD and/or CD.

15.17.2 Access To Public Roads

Each C-PUD and/or CD shall have a minimum of two (2) accesses to public roads, but beyond this, the number of driveways should be minimized. Individual businesses shall not have separate driveways to existing public roads.

15.18 INDUSTRIAL PLANNED UNIT DEVELOPMENT (I-PUD AND/OR CD) PERMITTED USES

Any permitted use allowed in the Industrial District shall be permitted in an I-PUD and/or CD. Any conditional use in the Industrial District shall be a conditional use in the I-PUD and/or CD.

15.19 SIZE I-PUD AND/OR CD

No I-PUD and/or CD shall be smaller than three (3) acres. At least one and one-half (1½) acres of a I-PUD shall be buildable commercial land excluding public right-of-ways, water bodies, wetland, steep slopes, or other impediment to development.

15.20 PERIMETER AND SCREENING I-PUD AND/OR CD

Except for access points, a permanent open space at least forty (40) feet wide shall be maintained around the perimeter of the I-PUD. No structure may be permitted in this open space, and the area shall not be counted as buildable area under Section 15.17. Vegetative or other screening must be provided adjacent to residential or recreational uses.

15.21 VACANT STRUCTURE SITES OR EMPTY STRUCTURES I-PUD AND/OR CD

The I-PUD and/or CD, at time of application, may have one or more vacant structure sites. Unused sites shall be identified in the application and as much information as possible about how these sites will be served by utilities, parking, and other services. Structures not specifically identified in the I-PUD and/or CD application may be built provided the description of the project included in the application, or restriction recommended by the Zoning Committee and the County Board are not violated. Structures for uses listed permitted in the Industrial District (I-PUD and/or CD) in Section 14 may be constructed after acquiring a structure permit as described in Section 20.4. Uses listed as conditional uses in an Industrial District in Section 14 may be constructed after acquiring a conditional-use permit as described in Section 20.1.

15.22 SITE DESIGN REQUIREMENTS I-PUD AND/OR CD

As a part of the application in Section 15.03, the following shall be included:

- (1.) Layout and infrastructure of all structure sites.
- (2.) Industries to occupy sites, if known.
- (3.) Any site or structure which will not immediately be used or which is included as a speculative holding.

15.23 TRAFFIC AND PARKING I-PUD AND/OR CD

Traffic and parking shall be given special consideration, both within the I-PUD and/or CD and off the premises. Except as specifically provided otherwise Section 17 shall apply.

15.23.1 Pedestrian Traffic

Whenever possible, the layout of I-PUD and/or CD shall encourage walking rather than driving between commercial establishments in the I-PUD and/or CD.

15.23.2 Access To Public Roads

Each I-PUD and/or CD shall have a minimum of two (2) accesses to public roads, beyond this the number of driveways should be minimized. Individual businesses shall not have separate driveways to existing public roads.

15.24 PERFORMANCE STANDARDS

Performance standards in Section 17 shall apply in I-PUD and/or CD.

15.25 METALLIC MINERAL MINING AND PROSPECTING PLANNED UNIT DEVELOPMENT (M-PUD AND/OR CD)

Permitted Uses

Metallic mineral mining and prospecting shall be permitted only in M-PUD and/or CD unless a variance is obtained pursuant to Section 21 of this ordinance or an amendment of this ordinance is obtained pursuant to Section 22. Any permitted use allowed in (GR) or (IN) shall be permitted in a M-PUD and/or CD. Any conditional use in a (GR) or (IN) shall be a conditional use in a M-PUD and/or CD.

15.26 PERMIT REQUIREMENTS M-PUD AND/OR CD

15.26.1 A buffer zone of two hundred (200) feet along the property line, shall be required.

15.26.2 Adequate utilities, roads, drainage, traffic plans, and public service required in a M-PUD and/or CD shall be provided by applicant.

15.26.3 A M-PUD and/or CD shall be located, designed, constructed, and operated in such a manner so as to protect groundwater quality in accordance with Wis. Stats. chapter 144 and administrative rules adopted pursuant thereto.

15.26.4 A M-PUD and/or CD shall be located, designed, constructed, and operated in such a manner so as to:

(1.) Prevent any surface or subsurface discharge from the facility into navigable waters that would cause a violation of water quality standards issued pursuant to Wis. Stats. 144.025(2)(b.).

(2.) Prevent any surface or subsurface discharge from the facility into navigable waters that would cause a violation of control on the discharge of any toxic substances under Wis. Stats. 147.07(1.).

(3.) Comply with all applicable regulations promulgated under Wis. Stats. chapter 147, if point source discharges to navigable waters exist, including point source discharges from leachate collection systems or from surface water runoff collection systems.

(4.) Meet pretreatment standards, for discharges to publicly-owned treatment works, issued pursuant to Wis. Stats. 147.07(2.).

(5.) Divert surface water runoff from a 24-hour, 25-year storm around portions of the facilities containing ore, product, or mine, or prospecting waste; provided, however, diversion structures to accomplish the same do not need to be constructed if it can be demonstrated that surface water runoff will not come into contact with such materials.

(6.) Control surface water runoff from portions of the facilities containing ore, product, or mine, or prospecting waste up to the quantity anticipated from a 24-hour, 25-year storm by collecting, confining, treating, or discharging it as may be required by regulations promulgated under Wis. Stats. chapter 147.

15.26.5 A M-PUD and/or CD shall be located, designed, constructed, and operated in such a manner so as to prevent air emissions from such facilities causing a violation of standards or regulations promulgated pursuant to Wis. Stats. Chapter 144.

15.26.6The proposed operation shall also include the following provisions:

(1.) All toxic and hazardous wastes, refuse, tailings, and other solid waste shall be disposed of in solid or hazardous waste land disposal facilities licensed under applicable Wisconsin or federal metallic mining waste, other solid waste, or toxic substances control regulations, or otherwise disposed of in an environmentally sound manner pursuant to applicable provisions of such laws.

(2.) All tunnels, shafts, or other underground openings shall be sealed by the completion of activities in the M-PUD and/or CD, and seepage in amounts which may be expected to create a safety, health, or environmental hazard shall be prevented, unless it can be demonstrated that alternative uses of tunnels, shafts, or other openings exist which do not threaten public health and safety, and which conform to applicable environmental protection laws and rules.

(3.) All underground or surface runoff waters from open pits or underground, or prospecting, or mining sites shall be managed, impounded, or treated so as to prevent soil erosion or damage to agricultural lands or livestock.

(4.) All surface structures constructed as part of prospecting or mining operations shall be removed upon termination of such operations, unless they are converted to an acceptable alternate use.

(5.) Adequate measures shall be taken to prevent significant surface subsidence, but if such subsidence does occur, provision for reclamation of the affected areas shall be taken.

(6.) Topsoil shall be preserved for purposes of future use in reclamation.

(7.) Disturbed soils shall be vegetated for stabilization and reclamation, with the objective of reestablishing a variety of populations of plants and animals indigenous to the area immediately prior to prospecting or mining, unless such reestablishment is inconsistent with reclamation as defined herein.

(8.) Disturbance to wetlands shall be minimized in accordance with provisions of *Wis. Stats.* 144.83 and administrative rules.

(9.) No destruction or filling in of a lake bed shall occur.

(10.) Bonds shall be provided for the purposes in Sub Section 15.31.2(9.) below to the extent that those provided to the Wisconsin Department of Natural Resources (DNR) are not sufficient.

15.26.7A permit may be denied if any of the following situations may reasonably be expected to occur during or subsequent to prospecting or mining:

(1.) Significant landslides or substantial deposition from the proposed operation in stream or lake beds.

(2.) Significant surface subsidence which cannot be reclaimed.

(3.) Hazards resulting in irreparable damage to any of the following, which cannot be avoided by removal from the area of hazard, or mitigated by purchase, or by obtaining the consent of the owner.

(A.) Dwelling houses.

(B.) Public structures.

(C.) Schools.

(D.) Churches.

(E.) Cemeteries.

(F.) Commercial or institutional structures.

(G.) Public roads.

(H.) Habitat required for survival of vegetation or wildlife designated as endangered through prior inclusion in rules adopted by the DNR if such endangered species cannot be firmly reestablished elsewhere.

15.26.8 A M-PUD and/or CD shall not be granted hereunder unless a corresponding prospecting or mining permit application has been submitted to the DNR.

15.26.9 In the case of a M-PUD and/or CD for mining, the proposed operation shall be denied if the mining operation is projected to result in a net substantial adverse economic impact to the county over the life of the proposed operation.

15.26.10 No withdrawal of groundwater or de-watering of mines may be made to the detriment of public or private water supplies.

**15.27 SUBMITTING REQUIREMENTS:
M-PUD AND/OR CD**

15.27.1 Community Impact Report

In the case of a M-PUD and/or CD for mining, a community impact report containing the information required by Section 15.03.1(4.) in addition to the information described below shall be prepared and presented at the time of application. To the extent that any information is provided to the DNR by the applicant pursuant to *Wis. Stats.* 23.11(5.) or other appropriate statutory provisions, the need to repeat the same in the community impact report shall be waived and a copy of all such information shall be provided to the county. To the extent that any of the following information is not so provided to the DNR, it shall be provided directly to the county.

- (1.) A description of all significant baseline conditions within the proposed permit area, and within the areas of the county reasonable expected to be significantly impacted by the activity shall be provided, including an estimate

of such baseline conditions for the project life of the proposed operation if the proposed operation were not permitted. Such baseline conditions shall include, but not be limited to the following:

(A.) Economic activity.

(B.) Groundwater, surface water.

(C.) Air quality.

(D.) Noise levels.

(E.) Major land uses.

(F.) Visual appearance.

(G.) Housing.

(H.) Traffic.

(I.) Utilities, schools, police, and fire protection, sewage treatment, and other public services unique cultures, and lifestyle, wildlife, and vegetation.

- (2.) A description of all significant aspects of the proposed operation shall be provided including, but not limited to the following:

(A.) Anticipated timing of each major phase from construction through reclamation.

(B.) All major facilities, mine shaft, opening, head frame, mill, or other processing facility, tailings disposal system, other waste disposal areas, sediment ponds, offices, other structures, roads, railroad lines, and utilities.

(C.) All other major land uses within the permit area.

(D.) Expected ranges of volumes or tonnages and composition of all mine products, including, all mine tailings and other wastes.

(E.) Maximum lateral extent, and minimum and maximum depth of underground workings.

- (F.) Methods for sealing all shafts and other entries.
- (G.) Principal types of mining and processing equipment used.
- (H.) Reagents to be used in processing.
- (I.) Noise and vibration levels expected from the operation.
- (J.) Plans for visual screening.
- (K.) Measures to be taken to assure compliance with applicable air and water-quality standards.
- (L.) Anticipated hours of operation, months during the year the activity will occur, and number of years the operation will be active.
- (M.) An estimate of the number of employees directly employed by the operation, by phase, including construction, as well as an estimated breakdown of the number of employees by job classification.
- (N.) An estimate of the number of employees expected to be recruited from the county including a general description of the applicant's recruitment and training program.
- (O.) An estimate of anticipated utility and other public service and facility requirements.

(3.) An analysis shall be provided of all significant impacts of the proposed mining operation on the county as well as on townships within the county, reasonably expected to be significantly impacted by the activity. Such analysis of impacts shall include, but not be limited to, impacts on all baseline conditions identified above as well as impacts from temporary shutdowns of substantial duration and permanent closure of the mine.

15.27.2 Reclamation Plan

A reclamation plan shall be prepared and submitted with an application for either prospecting or mining. The following information is provided to the DNR pursuant to either *Wis. Stats.* 144.84, or 144.85, the need to repeat the same shall be waived and a copy of such information shall be provided to the county. To the extent that any of the following information is not so provided to DNR, it shall be provided directly to the county. The plan shall include the following:

- (1.) A description of the proposed reclamation including final land use, final land shape, estimated final topography, and the annual sequence of reclamation activity to be conducted.
- (2.) A description of the utility and capacity of the reclaimed land to support the proposed sequential use.
- (3.) A description of the measures to be taken to protect top soils prior to prospecting or mining.
- (4.) A description of the grading and backfilling sequences, final slope angles, high wall reduction, benching, and terracing of slopes, slope stabilization, and erosion control.
- (5.) A description of reclamation of waste areas, tailings ponds, sediment ponds, haulage roads, access roads, surface structures, and related facilities.
- (6.) A description of the final surface drainage, water impoundments, and artificial lakes on the affected property.
- (7.) A description of plan types, planting sequences, and maintenance or replacement of vegetative cover both during the proposed operation and upon completion of site reclamation.
- (8.) A plan for the adequate covering or disposal of all pollutant-bearing minerals or materials.
- (9.) The estimated cost of reclamation on a per acre of total project basis, and proof that bonds sufficient to provide for such cost have been, or will be, provided to the DNR pursuant to state law.
- (10.) A description of the manner of preventing pollution as defined in *Wis. Stats.* 144.01(11) resulting from the leaching of waste materials.
- (11.) A description of the manner of preventing significant environmental pollution as defined in *Wis. Stats.* 144.30(9.).

15.27.3 Content of Submitted Drawings

An application for a M-PUD and/or CD for either prospecting or mining shall include maps as required by Section 15.03.1(3.) and in addition, to a series of maps or plans showing the proposed sequence of the proposed operation, direction and depth of the proposed operation, expansion of waste dumps, tailings ponds, and other materials movement.

15.28 TERMINATION OF MINING M-PUD AND/OR CD

Each applicant shall provide notice of intent to permanently terminate all activity at project site no later than one (1) year before proposed operation is to terminate. Each applicant shall likewise provide notice by the end of each calendar year of any significant changes in anticipated timing of each major phase of the project as originally reported pursuant to Section 15.30.

15.29 OWNERSHIP TRANSFER M-PUD AND/OR CD

No applicant shall assign, well, lease, or transfer any rights granted under a permit until the succeeding person has complied with all requirements of this section. Upon such showing, the county board shall release the initial applicant from its requirements and transfer the permit to the successor.

Section 16: Conditional uses

16.01 GENERAL

Uses listed as permitted by conditional permit may be authorized in a district in which permitted, upon application to the zoning office and subject to committee's approval an issuance of a conditional-use permit.

16.02 PROCEDURE

A request for a conditional-use permit shall be submitted in writing to the county zoning administrator who, after receiving the application, will refer the application to the County Zoning Committee. The request shall be accompanied by scale or distance maps or drawing prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure, the design of any required parking areas, driveways, or internal roadways.

16.03 HEARING

A Class 2 notice hearing shall be scheduled by the zoning administrator as provided for in Section 2.02.2 of this ordinance. Related hearings under Section 15 may be scheduled concurrently.

16.04 DETERMINATION

The Zoning Committee shall act on the application after considering hearing comments, and general and specific requirements given below. The Committee shall report its decision within ninety (90) days after the filing of the application, except for conditional use applications considered a part of a Planned Development Proposal (see Section 15). Its decision shall include an accurate description of the used permitted, of the property on which it is permitted, and any and all conditions made applicable thereto.

16.05 RECORDING

When a conditional use is approved, an appropriate record shall be made at the zoning office, of the land use and structure permits, and conditions specified by the Zoning Committee. Such permits shall be applicable solely to the structures, use, and property so described.

16.06 TERMINATION

Where a permitted conditional use does not continue in conformity with conditions of original approval, the conditional-use permit shall be terminated by action of the Zoning Committee and may be considered by committee as a violation of the ordinance. Procedure for termination shall be the same as for approval, except it shall be proceeded by issuance of notice of violation, and of any necessary citations, which if left unpaid and not corrected, provide the basis for the termination.

16.07 GENERAL CONDITIONS IMPOSED

In issuing any Conditional-Use Permit, the Planning Committee may impose such conditions or restrictions as it deems necessary to protect the public interest and the stated purposes of the ordinance, including but not limited to, matters

relating to appearance, lighting, hours of operation, and performance characteristics. A conditional-use permit may be approved only upon finding all of the following:

- (1.) The use conforms to all county and local plans or policies.
- (2.) The use is compatible with the existing neighborhood.
- (3.) The location of the proposed use is considered to be consistent with a desirable pattern of development for the area.
- (4.) The use conforms to conditions listed below, by specific use.

16.08 RESIDENTIAL CONDITIONAL USES

All residential uses listed as conditional uses in the Sewer CM District may be permitted, provided that such use will not conflict with the maintenance and development of the district as a concentrated retail shopping and service center. An apartment or other living quarters attached to, or part of, commercial structures is an example of an acceptable use. New single-family homes placed near, or between, commercial structures would not be acceptable.

16.09 THREE- (3) AND FOUR- (4) UNIT APARTMENTS IN THE VR, VC, AND SL DISTRICTS

(1.) Such uses may be permitted if there is not significant conflict with one- and two-family home development in the area. Depending on the location and characteristics of the site, the committee may require wider yards or special landscaping or vegetative screening in order to avoid conflict with neighboring uses.

(2.) Special attention should be given to adequate parking (see Section 18), driveway location, and traffic patterns in the area.

16.10 FIVE -(5) OR MORE UNIT APARTMENTS IN THE R2 DISTRICT

(1.) Such uses may be permitted according to Section 16.09 above.

(2.) The Zoning Committee should also note that it is the intent of this ordinance to allow for adequate sites within this district to meet the county demand for multi-family units.

16.11 MANUFACTURED/MOBILE HOME PARKS IN THE VR, VC, SL, R2, AND CM DISTRICTS

(1.) An application for a Manufactured/Mobile Home Park Use Permit shall contain complete plans and specifications of the proposed park showing, but not limited to, the following:

- (A.) The area and dimensions of the tract of land; topographic sketch of the land.
- (B.) The number, location, and size of all manufactured/ mobile home lots and required parking spaces.
- (C.) The location and width of roadways and walkways.
- (D.) The location of public utilities.
- (E.) Plans and specifications of all structures constructed or to be constructed in the park.
- (F.) Plans and specifications for landscaping.

(2.) Manufactured/Mobile Home Parks shall meet the following minimum requirements. The County Zoning committee may increase, to meet standards of the R2 district, or make the development more compatible to its site and to surrounding properties.

- (A.) Minimum size: five (5) acres.
- (B.) Minimum dimensions of a manufactured/mobile home site: sixty (60) feet wide and one hundred (100) feet long.
- (C.) Minimum distance between manufactured/mobile homes: twenty-five (25) feet.
- (D.) Minimum distance between manufactured/mobile home and service road: twenty-five (25) feet.
- (E.) Each manufactured/mobile home site shall be connected to a public water and a public sewage disposal system, or a private common sewage and water supply system approved by the Wisconsin Department of Commerce.

- (F.) All drives, parking areas, and walkways shall be hard surfaced. Two (2) parking spaces shall be provided for each manufactured/mobile home.
- (G.) No structure shall be located within one hundred (100) feet of adjacent property lines.
- (H.) Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved, covered with stone, or other solid material, or vegetative growth that is capable of preventing soil erosion.
- (I.) Recreational facilities should be provided in a central location. Not less than fifteen (15%) percent of the gross site area shall be devoted to open space. Open space shall not include any setback or buffer areas, or be unusable for recreational use.
- (J.) All manufactured/mobile home parks located adjacent to residential, recreational, commercial, or industrial land uses shall provide screening such as fences or natural growth along the property line separating the park and such uses, and shall be maintained in a neat and orderly fashion.
- (K.) All manufactured/mobile home parks shall have a private or public internal roadway or system of roadways that allow access of personal, emergency, and utility vehicles to individual manufactured/mobile home sites under all weather conditions. A minimum of two (2) accesses from public streets to the internal roadway shall be provided for use of emergency vehicles. Access to public streets must be in accordance with Section 18 of this ordinance. Parking spaces for individual homes may not have direct access to public streets except via the internal roadways.
- (L.) Utility service lines shall be located underground within the manufactured/mobile home park.
- (M.) Each manufactured/mobile home must be kept in good repair and must be equipped with skirts within thirty (30) days of being placed on its site.
- (N.) Every manufactured/mobile home shall be anchored or tied down. Each corner of the stand shall be so equipped and be able to sustain a minimum load of four thousand eight hundred (4,800) pounds.
- (O.) The commercial sale of manufactured/mobile homes in a manufactured/mobile home park is prohibited.
- (P.) Common storage or parking areas shall be provided for recreational vehicles and boats. Such area shall include one hundred (100) square feet per mobile home space.

16.12 GROUP HOMES WITH TWELVE (12) OR MORE RESIDENTS IN THE GR, VR, VC, SL, R2, AND CM DISTRICTS

(1.) There shall be no overcrowding of the structure, and the structure and lot shall not be nonconforming according to this ordinance.

(2.) Additionally, the conditions for Five (5) or More Unit Apartments (Section 16.10) will apply.

(3.) In sewered areas, minimum lot size shall be twenty one thousand seven hundred eighty (21,780) square feet in the first six (6) residences, plus two thousand five hundred (2,500) square feet for each three (3) additional residences.

16.13 RECREATIONAL VEHICLE (RV) PARKS FOR LONG-TERM USE (OVER ONE-(1) MONTH STAY) IN THE VR, VC, SL, R2, AND CM DISTRICTS.

The condition for Mobile Home Parks (Section 16.11) shall be met with the following changes:

(1.) Instead of (2.)(B.), minimum dimensions of the RV sites are forty (40) feet wide and fifty (50) feet long.

(2.) Instead of (2.)(M.), no skirts are required around the RV.

(3.) Instead of (2.)(N.), no anchoring or tie-down provision applies.

(4.) In addition, common bath and toilet facilities shall be provided, including at least one (1) shower, toilet, and sink for each ten (10) RV sites, or fraction thereof.

(5.) A laundry facility shall also be provided on premises, to include clothes washing machines and dryers.

(6.) Section 16.11(2.)(P.) does not apply.

16.14 HOME OCCUPATIONS WITH PATRONS ON PREMISES IN THE GR, R1, VR, SL, AND R2 DISTRICTS

(1.) No more than two (2) individuals shall be employed besides the members of the immediate family.

(2.) Such use shall not include the operation of any heavy machinery, or other equipment, which would be incompatible with the surrounding residential area.

(3.) Such use shall not involve the serving of any beverage, food, the on-lot retail or wholesale of goods or materials; nor the removal of sand, gravel, stone, topsoil, peat, or moss for commercial purposes.

(4.) The use shall not involve more than twenty-five (25%) percent of the floor area of the structure.

(5.) Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

16.15 ROOMING HOUSES WITH THREE (3) TO ELEVEN (11) RENTED UNITS IN THE VR, VC, AND CM DISTRICTS

The same conditions as Group Homes (Section 16.12) and Five (5) or More Unit Apartments (Section 16.10).

COMMERCIAL CONDITIONAL USES

16.16 LOCAL OR NEIGHBORHOOD COMMERCIAL USES IN THE GR, VC, AND SL DISTRICTS

(Rev. 11/12/08) Deleted

16.17 TOURIST AND LAKE-ORIENTED COMMERCIAL IN THE VC AND SL DISTRICTS

(1.) The use shall be clearly related to lake-oriented or tourist customers.

(2.) The use will not conflict with other neighboring uses, especially residential. The Zoning Committee may require screening by fence or vegetative planting to achieve this purpose.

(3.) The use will not conflict with public use of the water for swimming, fishing, or boating.

(4.) Piers and other uses located over water are subject to applicable state law.

16.18 AUTO-ORIENTED FACILITIES OF COMMERCIAL USES IN THE CM DISTRICT

The facility shall meet all provisions of Section 18, "Parking and Driveway Requirements".

16.19 GENERAL RETAIL AND SERVICE ESTABLISHMENTS IN THE VC DISTRICT

Such use shall not conflict with neighboring residential uses, or cause traffic problems.

16.20 DRIVE-IN THEATERS IN THE GR, VC, AND CM DISTRICTS

(1.) The screen face will not be oriented toward public streets, or roads, or established residential areas.

(2.) The provisions of Section 18, "Parking and Driveway Requirements", shall be met.

16.21 FORESTRY OR FARM EQUIPMENT SALES AND SERVICE ESTABLISHMENTS IN THE GR AND VC DISTRICTS

Such uses shall not conflict with neighboring uses, especially residential. The Zoning Committee may require screening with fences or vegetation to achieve this purpose.

INDUSTRIAL AND WHOLESALING CONDITIONAL USES

16.22 INDUSTRIES WITH POTENTIAL HIGH HAZARD, POLLUTION, OR NUISANCE IN THE IN DISTRICT

(1.) Such industries shall meet any and all Federal and State laws and standards, and the risk of hazard, pollution, or other public nuisance shall be reduced to the maximum extent practicable.

(2.) Special attention should be given to eliminating such risk to residential areas, schools, and public recreation areas.

16.23 SAND AND GRAVEL PITS FROM WHICH ONE THOUSAND (1,000) OR MORE CUBIC YARDS PER YEAR ARE TAKEN, IN THE GR OR IN DISTRICTS

(1.) Applications requesting Planning Committee approval of a proposed sand and gravel pit shall be accompanied by:

(A.) A description of all phases of the contemplated operation including types of machinery and equipment which will, or might be, necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source, and its disposition shall be identified.

(B.) A map of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides.

(2.) The County Zoning Committee shall take into consideration the compatibility in reviewing a proposal for sand and gravel pit activity.

(A.) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.

(B.) The possibility of soil erosion as a result of the proposed operation.

(C.) The most suitable land use for the area, and its effect on the land use in adjacent areas.

(3.) No permit to carry on an operation shall be given until the Planning Committee approves a restoration plan and the owner agrees in writing to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as provided in the conditional-use permit or within six (6) months after the quarrying operations have ceased. Failure to carry out restoration will be considered a violation of this ordinance.

(4.) Conditions of Approval

The Planning Committee may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.

(5.) Within three (3) years after the effective date of this ordinance any such existing operation shall be subject to the provisions of paragraphs (4.), and (5.) of this section.

16.24 SALVAGE YARDS, PROCESSING AND RECYCLING FACILITIES IN THE GR AND IN DISTRICTS

(1.) Salvage materials processing, and recycling facilities shall not be located within three hundred (300) feet of public roads, streets, and highways, and all establishments of this kind shall have minimum side and rear yards of one hundred (100) feet each.

(2.) Salvage materials shall be enclosed by a fence or planting screen so the materials are not visible from other properties in the vicinity of the junkyard, or from a right-of-way such as roads, streets, highways, and waterways. The fence or planting screen shall be kept in good repair.

(3.) Salvage materials shall not be piled higher than the height of the fence or screening, nor against the fence or screening.

(4.) For fire protection, an unobstructed firebreak shall be maintained, sixteen (16) feet in width and entirely surrounding the salvage yards.

(5.) Processing and recycling facilities are also subject to the conditions for Industries With Potential High Hazard, Pollution Or Nuisance (Section 16.22).

16.25 MINERAL EXPLORATION IN ALL DISTRICTS EXCEPT IN THE GR DISTRICT WHERE IT IS A PERMITTED USE

All license applications and notices submitted to the Wisconsin Department of Natural Resources pursuant to *Wis. Stats.* 144.832 shall be submitted to the zoning committee.

16.26 WHOLESALE ESTABLISHMENTS IN THE VC DISTRICT

(1.) The same provisions as General Retail and Service (Section 16.19).

(2.) Additionally, such establishments should be located on established truck routes, state, or federal highways.

16.27 WAREHOUSES AND FOOD LOCKERS IN THE VC AND CM DISTRICTS

- (1.) The same provisions as Wholesale Establishments (Section 16.26).
- (2.) Additionally, adequate safeguards must be made for the storage of any hazardous or explosive materials.

16.28 TRUCK TERMINALS IN THE GR, VC, AND CM DISTRICTS

- (1.) Same provisions as for Forestry or Farm Equipment Sales and Services (Section 16.21).
- (2.) No trucks will be parked closer than seventy-five (75) feet from any lot line.
- (3.) Locations must front on state or federal numbered highways.

16.29 PETROLEUM PRODUCTS DISTRIBUTION AND STORAGE FACILITIES IN THE GR, VC, CM, AND IN DISTRICTS

- (1.) The same conditions as Truck Terminals (Section 16.28).
- (2.) Containment structures such as earthen walls shall be provided around storage tanks, no tank shall be closer than two hundred (200) feet from any lot line.

FORESTRY AND FARMING CONDITIONAL USES**16.30 CONFINED LIVESTOCK FEEDING IN THE GR DISTRICT**

- (1.) Such use shall not be located closer than one hundred (100) feet from any lot line.
- (2.) A plan for the confined feeding operation shall be approved by the Forest County Soil and Water Conservation District. Such approval shall be based on minimizing or eliminating water pollution, soil erosion, and odors.

16.31 PERMANENT FOREST PROCESSING IN THE GR DISTRICT

- (1.) Sawmills and other processing operations shall be located at least two hundred fifty (250) feet from any lot line.
- (2.) Storage of logs or finished lumber products shall be located at least one hundred (100) feet from any lot line.
- (3.) From any driveway used by trucks to enter a public roadway, there shall be clear visibility along the roadway for a distance of at least five hundred (500) feet, and no condition shall be created which would make truck entrances unnecessarily hazardous.
- (4.) Screening may be required between the processing facility and other properties.

FACILITIES CONDITIONAL USES**16.32 SANITARY LANDFILLS IN GR AND IN DISTRICTS**

- (1.) All such establishments shall have minimum side and rear yards of one hundred (100) feet each and shall be located five hundred (500) feet from public right-of-ways, except for right-of-ways that serve as access solely to the landfill site.
- (2.) The landfill shall be enclosed by a suitable fence or planting screen so the materials are not visible from other property in the vicinity of the landfill, nor from a public right-of-way such as roads, streets, highways, and waterways.
- (3.) A permit shall be obtained from the State Division of Health, or other state agency authorized by law to issue such permit, certifying that the landfill will not pollute ground and surface waters in the area.
- (4.) A sixteen (16) foot-wide unobstructed firebreak completely surrounding the landfill shall be maintained for fire protection.
- (5.) No landfill in which burning activities are planned at the site shall be permitted to pollute the air or nearby populous area.

16.33 WASTEWATER TREATMENT PLANTS IN GR, SL, AND IN DISTRICTS

- (1.) There must be a sound engineering reason for locating on the proposed site.

(2.) Adequate buffering from neighboring properties shall be provided through yard and setback requirements and/or screening.

16.34 PUBLIC WATER WELLS, TREATMENT, AND STORAGE FACILITIES IN VR, VC, SL, R1, AND R2 DISTRICTS

(1.) Same as Wastewater Treatment Plants (Section 16.33).

16.35 SCHOOLS AND LIBRARIES IN VR, R1 AND R2 DISTRICTS

(1.) Consideration shall be given to traffic that the facility will generate, and the safety of persons going to and from the facility.

(2.) Special attention shall be given to parking requirements (Section 18).

16.36 CHURCHES IN VR, SL, AND R1 DISTRICTS

(1.) Same as Schools and Libraries (Section 16.35).

16.37 HOSPITALS AND NURSING HOMES IN VC, R2, AND CM DISTRICTS

(1.) Same as Schools and Libraries (Section 16.35).

16.38 AIRPORTS – COMMERCIAL IN, GR, AND PRIVATE LANDING STRIPS IN GR AND IN DISTRICTS

(1.) The facility and surrounding area shall conform to Wisconsin DOT/FAA regulations regarding such items as location, construction, clear zones, and glide path height limitations.

(2.) Concern shall be given to noise, glare from runway lights, and possible hazards affecting neighboring residences and other structures.

16.39 COMMUNICATIONS TOWERS IN GR AND IN DISTRICTS

Distance to any lot line shall exceed the length of the tower or an easement shall be secured for the area in a radius equal to the length of the tower. No structures occupied by humans shall be placed, except for radio or television stations, or other structures associated with the tower.

16.40 RADIO AND TELEVISION STATIONS IN GR AND VC DISTRICTS

(1.) Such stations may be permitted in the GR District only on the same lot as the transmission tower. Additionally, the station in the GR District shall conform to requirements for the Local Or Neighborhood Uses (Section 16.16).

(2.) Such station may be permitted in the UC Districts under the same conditions as General Retail and Service (Section 16.19).

16.41 ELECTRIC POWER SUBSTATIONS IN THE VC, SL, AND CM DISTRICTS

(1.) Such facilities shall not constitute a hazard to persons or property in the vicinity.

(2.) Adverse visual affects of the facility on surroundings shall be minimized.

RECREATION CONDITIONAL USES

16.42 CLUBHOUSE OR LODGE IN THE VR, SL, AND R2 DISTRICTS

(1.) Special consideration shall be given to avoiding traffic and parking problems.

(2.) Screening may be required to reduce impact on neighboring residential uses.

16.43 CAMPGROUNDS IN THE GR, SL, AND R2 DISTRICTS

(1.) The minimum size of a camping area shall be five (5) acres.

(2.) The maximum number of camping sites shall be five (5) per acre.

(3.) Minimum dimensions of a camping site shall be fifty (50) feet wide by forty (40) feet long.

(4.) Each camping site shall be separated by a yard no less than fifteen (15) feet wide.

(5.) There shall be one and one-half (1½) automobile parking spaces for each camp site.

(6.) There shall be a minimum setback for each camping site of forty (40) feet from all other exterior lot lines.

(7.) The campground shall conform to Section H77, *Wisconsin Administrative Code*, and as subsequently amended, shall apply.

(8.) No camping site shall be continuously occupied by the same person, or persons, for over thirty (30) days.

16.44 PUBLIC SWIMMING POOLS IN THE VR, VC, SL, R2, AND CM DISTRICTS

Same as Clubhouse Or Lodge (Section 16.43).

16.45 GOLF COURSES AND CLUBHOUSE IN THE GR, VR, SL, R1, AND R2 DISTRICTS

(1.) The layout of the course shall be such that the hazard from golf balls for persons and property is minimized.

(2.) Near sewered areas, thought is to be given to the affect of course location on possibilities for expansion of development served by sewer.

16.46 SHOOTING RANGES IN THE GR DISTRICT

(1.) The Zoning Committee shall evaluate potential hazards to adjacent uses, topography, ground cover, and noise.

(2.) The firing of rifled arms and shotgun slugs shall not be permitted directly toward, or over, navigable waters, public or private roads or drives, toward any structure, nor directly toward any population concentration which is located within one and one-half (1½) miles. There shall be an adequate shot fall or bullet impact area; a defined firing line or firing direction; and, adequate target backstops for the firing of rifled arms.

(3.) Shooting ranges shall be clearly identified by signs not less than four (4) square feet in gross area, located at intervals of not less than twenty-five (25) yards around the perimeter and ranges shall be securely fenced off from adjacent lands and waters.

(4.) See Section 23 for definition of Shooting Range.

16.47 FAIRGROUNDS, AMUSEMENT PARKS, GO-CART, OFF-ROAD VEHICLE COURSE, OR MOTORCYCLE TRAILS IN THE GR, VC, AND SL DISTRICTS

(1.) Special consideration shall be given to traffic, lighting, hours and dates of operation, and possible noise and dust generated.

(2.) Screening may be required.

(3.) No racetrack or other path for recreational motor vehicles shall be permitted within three hundred (300) feet of any lot line.

16.48 SPORT EQUIPMENT RENTAL IN THE GR, VC, AND SL DISTRICTS

(1.) Same as Local Or Neighborhood Commercial (Section 16.16).

16.49 STABLES IN THE SL DISTRICT

(1.) Stables are not permitted within three hundred (300) feet of navigable waters.

(2.) Additional conditions for stables with over ten (10) animals are the same as for Confined Livestock Feeding (Section 16.30).

(3.) No stable shall be located within two hundred (200) feet of a lot line.

16.50 GROUP CAMPS IN THE GR AND SL DISTRICTS

(1.) The minimum lot area is five (5) acres, the minimum lot width is two hundred (200) feet at the structure line and waterline.

(2.) All structures shall be more than one hundred (100) feet from the side lot line.

(3.) All structures and parking lots shall be screened by a suitable species of vegetation from adjacent residential lots.

16.51 FISH HATCHERIES IN THE SL DISTRICT

(1.) State laws regarding fish hatcheries must be complied with.

(2.) There shall be no adverse affect on neighboring properties. Screening may be required if appropriate.

16.52 EXCEPTIONS TO HEIGHT LIMITATIONS IN ALL DISTRICTS

- (1.) Appropriate firefighting equipment for a structure of the proposed size and type must be available.
 - (2.) At least two fire exits shall be supplied to upper portions of the structure regularly used by humans.
 - (3.) The structure shall be engineered and constructed to withstand stresses due to wind, vibration from traffic, settling, freeze-thaw cycles, and other stresses imposed by the natural or human environment of Forest County.
 - (4.) The structure shall not pose a hazard to surrounding properties due to falling objects or potential falling of the structure itself.
- (1.) Unless the proposed activity is in a Planned Development or the CM or IN districts, the structure shall not interfere with the surrounding residential character of the area.

16.53 Dairy and Animal Farming in the Shoreland District

- (1.) Dairy and/or animal farming is only permitted in the areas previously identified on the Forest County tax roll as G4 (agricultural), G5M (agricultural forest) or G6 (productive forest lands); and
- (2.) If dairy and/or animal farming is permitted then manure storage must be addressed by the filing of a management plan with the Forest County Land and Water Conservation office.

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Section 17: Industrial Performance Standards

17.01 COMPLIANCE REQUIRED

No land shall be used or occupied in any manner so as to violate any applicable State of Wisconsin or Federal environmental or safety statute, regulation, or standard.

Particular attention shall be given to assuring strict compliance with laws and standards for the following conditions:

- (1.) Air pollution, including but not limited to fly ash, dust, odors, fumes, smoke, vapors, gases, and other particulate.
- (2.) Surface water pollution, including but not limited to, point source discharges.
- (3.) Groundwater pollution.
- (4.) Solid or liquid waste disposal.
- (5.) Radioactivity, and electrical disturbances.
- (6.) Fire and explosives.
- (7.) Noise.

17.02 ADDITIONAL CONSIDERATIONS

No land shall be used or occupied in any manner so as to create glare, vibration, or heat, which significantly affects the public health, safety, comfort, convenience, prosperity, aesthetics, and other aspects of the general welfare.

Section 18: Parking and Driveway requirements

18.01 INTENT

It is the intent of this ordinance to provide adequate vehicle parking for all uses and to prevent particular uses from imposing unnecessary burdens on public roads due to hazardous driveways, blocking traffic, or other nuisances.

18.02 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

The number of spaces listed in the table below shall be interpreted to be minimums. When considering conditional uses, the zoning committee may require additional spaces if there is reason to believe the listed requirements will not provide adequate off-street parking.

- (1.) In calculating number of employees, the maximum number of employees likely to be on the premises at one time shall be used.

Uses	Number of Spaces Required	
(1) Dwellings, including Manufactured/Mobile Homes	2 for each dwelling unit	
(2) Hotels, Motels, or Resorts	1 for each guest room or unit, plus	1 for each employee
(3) Hospitals	1 space for each 2 beds plus 1 for each employee	
(4) Sanitariums, Nursing Homes, Rest Homes	1 space for each 5 beds plus 2 for each employee	
(5) Medical and Dental Offices	6 spaces for each doctor	
(6) Churches, Theaters, Auditoriums, Town Halls, Funeral Parlors, Community Centers, Vocational Schools, Other Places of Public Assembly	1 space for each 4 seats, or 1 space for each 28 square feet of floor area if no permanent seats are provided	
(7) Elementary Schools	1 space for each employee plus 1 space for each 20 students	
(8) High Schools	1 space for each 500 square feet of floor area	
(9) Restaurants, Bars, Places of Entertainment, Repair Shops, Retail And Service Stores	1 space for each 150 square feet of floor area	
(10) Manufacturing, Processing Plants, Warehouses	1 space for each employee	
(11) Banks, Business, Governmental And Professional Offices	1 space for each 300 feet of floor area	
(12) Bowling Alley	5 spaces for each alley	
(13) Automotive Services, Drive -in Retail Establishments	1 space for each 2 employees plus space for customer parking	
(14) Group Homes, Boarding Homes	2 spaces for each 3 residents plus 1 space per non-resident employee	

18.03 PARKING SPACE SPECIFICATION

(1.) All required spaces shall contain a rectangular area with a minimum width of ten (10) feet and a minimum length of eighteen (18) feet.

(2.) Except for one-(1) and two-(2) family homes, all parking spaces shall be permanently marked by painted lines, parking blocks, posts, or other suitable markers.

(3.) Except for one-(1) and two-(2) family homes, each required parking space shall be arranged with respect to driveways in such a way as to allow safe and easy entrance and exiting of a standard-sized passenger car without moving any other properly parked vehicle.

(4.) Except in one-(1) and two-(2) family dwelling units, the parking area shall be arranged with an internal driveway which permits access to all parking spaces and the public streets. No parking space shall have direct access to a public street except via the internal driveway, and no parking space shall be arranged to require or encourage the vehicle to back onto a public street.

18.04 DRIVE-UP WINDOWS

Sufficient waiting area shall be provided so that at peak periods of use, vehicles waiting to use the drive-up window shall not line up on a public right-of-way, block a required parking space, or block an entrance or exit to a required parking area.

18.05 DRIVEWAYS SERVING REQUIRED PARKING SPACES AND DRIVE-UP WINDOWS, EXCEPT ONE-(1) AND TWO-(2) FAMILY HOUSES

(1.) Driveways at point of contact with a public road shall have a minimum width of ten (10) feet and a maximum width of thirty (30) feet, except drives for commercial, industrial, and other uses catering to, or requiring, truck traffic may be a maximum of thirty-five (35) feet at the property line.

(2.) When connected driveways provide access to more than one (1) street, driveways and parking areas shall be designed in a way that does not encourage vehicles to cross the property in order to take shortcuts or evade stop signs or other traffic control devices.

(3.) Driveways shall be located and designed to be as safe as practical and to cause the minimum interference with the orderly flow of traffic on public streets. This includes, but is not limited to, consideration of the following:

(A.) Clear visibility for at least one hundred (100) feet in each direction on streets with a speed limit of 30 miles per hour or slower, or visibility of three hundred (300) feet on all other public streets.

(B.) No driveway shall be placed directly in line with a driveway on the opposite side of the street.

(C.) Location of driveway with respect to intersections, turning lanes, and other driveways.

(D.) Effect on traffic flow on public streets.

(4.) No drive-up window, parking lot, or driveway should conflict with neighboring property. Screening by fences, vegetation, earth berms, or other devices may be required to avoid conflicts.

Section 19: signs

19.01 INTENT

The size, type, and location of signs shall be as provided by this section as affecting each zoning district, except when State regulations are more prohibitive, and except that this ordinance is not intended to prohibit “no hunting”, “no trespassing”, “for sale”, “for rent”, temporary political campaign signs, home occupation signs, or similar signs not larger than six (6) square feet in gross area.

19.02 PROHIBITED SIGNS

The following signs are prohibited:

(1.) Any sign, especially illuminated signs, which interferes with the vision of motor vehicle operators, or faces, or shines, directly upon any residential property located in a residential district.

(2.) Rotating, moving, or flashing signs.

(3.) Signs that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic control device; or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.

(4.) Advertising signs, posters, place cards, and circulars on any public right-of-way or public property, except those placed or approved by a unit of government.

(5.) Business signs that advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located.

(6.) Any sign over six (6) square feet in an area on a lot where the primary use is residential, or on undeveloped, platted lots within the Village Residential (VR), One-(1) and Two-(2) Family Residential (R1), or Multi-Family Residential (R2) Districts.

(7.) Any sign over thirty (30) square feet in area for non-residential uses in the Village Residential (VR), One-(1) and Two-(2) Family Residential (R1), or Multi-Family Residential (R2) Districts.

(8.) Any sign over six (6) square feet clearly visible from and facing toward a navigable body of water.

19.03 OFF-PREMISES SIGNS

(1.) The land where the sign will be located is zoned for business (such as commercial, industrial, manufacturing, etc.) Agricultural zoning is considered business zoning for the purposes of signing.

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19.03.1 Along interstate highways

(1.) The land must have been within the municipality boundary by, or before, September 1, 1959, and is today zoned commercial or industrial or:

(2.) The land must have been zoned commercial or industrial by, or before, September 1, 1959, and is still similarly zoned.

19.03.2 Along highways other than interstate.

(1.) The underlying land must be officially zoned commercial, industrial, or other business type zoning. If the land is entirely unzoned, there must be a functioning business within eight hundred (800) feet of the proposed sign location along the same side of the highway.

(2.) Proposed sign locations

(A.) Five (5) miles from any other off-premises category sign along the same side of the highway and any intersection at-grade, or from any interchange ramp end, as applicable.

(B.) One thousand (1,000) feet from any rest area or wayside.

(C.) The sign will not contain any flashing or moving lights or any moving parts.

(D.) Proof or statement that there are no scenic easements or deed restrictions which apply to the signing at the proposed sign site.

(E.) The sign shall not resemble an official sign or device.

(F.) The sign shall not generate a highway hazard. (Example: blocking the vision of a motorist on a side road or street.)

(G.) The sign shall not be erected on the highway right-of-way.

19.04 ON-PREMISES SIGNS/ON-PROPERTY SIGNS

(1.) Trans. 201.19 On-property signs

Purpose

Purpose of this section is to interpret the provisions of s.84.30(3)(c.), *Wis. Stats.* Relating to on-property signs.

(2.) Definition

“On-Property Sign” means a sign advertising activities conducted on the property on which it is located. This includes a sign that consists solely of the name of an establishment and a sign that identifies the establishment’s principal product, or services offered on the premises.

(3.) Narrow Strips

Where the sign site is located at, or near, the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes.

(4.) Properties Flanked By Two (2) Controlled Highways

(A.) When a property may contain signs visible from two (2) controlled highways, the Department of Transportation interprets *Wis. Stats.* 84.30(3)(c.) 1, to allow up to four (4) single-faced or two (2) double-faced signs on the property, with one (1) sign exposure visible and designed to be read from each of four (4) different directions of travel.

(B.) Whether or not a property may contain signs visible from two (2) controlled highways, the department interprets *Wis. Stats.* 84.30 (3.) (c.) 2, to allow only one (1) extra on-property sign exposure.